

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WAG ACQUISITION, L.L.C.,	§	
	§	
	§	
Plaintiff,	§	
– against –	§	
	§	
AMAZON.COM, INC.,	§	No. 6:21-cv-00815-ADA
AMAZON WEB SERVICES,	§	Patent Case
INC., and AMAZON.COM	§	Jury Trial Demanded
SERVICES LLC,	§	
	§	
Defendants.	§	
	§	

CASE READINESS STATUS REPORT

Plaintiff WAG Acquisition, L.L.C. (“WAG”) and Defendants Amazon.com, Inc., Amazon Web Services, Inc., and Amazon.com Services LLC (collectively, “Amazon”), hereby provide the following status report.

FILING AND EXTENSIONS

WAG’s Complaint was filed on August 6, 2021. There has been one extension for Amazon to respond to WAG’s Complaint for a total of 46 days.

RESPONSE TO THE COMPLAINT

Amazon responded to the Complaint by filing its Answer on November 1, 2021. Amazon filed no counterclaims.

PENDING MOTIONS

There are currently no pending motions.

RELATED CASES IN THIS JUDICIAL DISTRICT

There is currently one CRSR Related Case in this Judicial District, as defined in the Court's June 16, 2021 Amended Standing Order Regarding Notice of Readiness for Patent Cases: *WAG Acquisition, L.L.C. v. Google LLC et al.*, No. 6:21-cv-00816-ADA.

WAG and Amazon (collectively, "the Parties") note that there is one other pending case in this District, *WAG Acquisition, L.L.C. v. Netflix, Inc.*, No. 6:21-cv-01083-ADA, involving the same patents asserted in this matter that was filed more than 30 days after this case and the CRSR Related Case against Google LLC et al. ("Google").

IPR, CBM, AND OTHER PGR FILINGS

There are currently no known IPR, CBM, or other PGR filings.

NUMBER OF ASSERTED PATENTS AND CLAIMS

WAG has asserted 3 patents. The asserted patent(s) are U.S. Patent Nos. 9,742,824 (the '824 patent"); 9,729,594 (the "'594 patent"); and 9,762,636 (the "'636 patent") (collectively, the "Asserted Patents"). WAG identifies in the Complaint claim 1 of the '824 patent and claim 1 of the '636 patent as asserted. WAG's Preliminary Infringement Contentions identifying the full set of asserted claims are due on November 15, 2021.

APPOINTMENT OF TECHNICAL ADVISER

The Parties do not request a technical adviser to be appointed to the case to assist the Court with claim construction or other technical issues.

MEET AND CONFER STATUS

The Parties met and conferred. The Parties identified the following pre-Markman issues to raise at the CMC.

The Parties dispute whether *WAG Acquisition, L.L.C. v. Netflix, Inc.*, No. 6:21-cv-01083-

ADA (“Netflix”) should be treated as a CRSR Related Case. *See* Related Cases in this Judicial District, *supra*.

WAG’s Position

WAG’s position is that pursuant to the Court’s definition of CRSR Related Cases in its Amended Standing Order Regarding Notice of Readiness for Patent Cases, dated June 16, 2021 the case against Netflix should not be considered as a CRSR Related Case as it was filed over 70 days after the present case against Amazon and the CRSR Related Case against Google. Moreover, pursuant to the Notice Regarding Unopposed Request to Change Deadline for Defendant Netflix, Inc. to Answer and/or Otherwise Respond filed today, Netflix’s deadline to answer or otherwise respond to WAG’s Complaint is now January 7, 2022, which is over two months after Amazon filed its answer in the present case and Google filed its motion to dismiss in the CRSR Related Case.

Amazon’s Position

Amazon’s position is that Netflix should be considered as a CRSR Related Case, which means that the CMC in this matter should be deemed to occur fourteen days after the CRSR is filed in the Netflix case. This matter and the CRSR Related Case against Google are both at an early stage. The Netflix case involves the same asserted patents and similar accused technology, and will very likely implicate at least some of the same claim construction disputes. It would be inefficient, and would not comport with the spirit of the Court’s Order Governing Proceedings, for these cases to proceed on separate tracks and for the Court to conduct separate claim construction hearings for the same patents.

Pursuant to the Court’s June 16, 2021 Amended Standing Order Regarding Notice of Readiness for Patent Cases, the Parties will email the Court this joint submission.

Dated: November 8, 2021

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